

ORDINANCE 88-23

To Amend Chapter 2.21.070 of the Bloomington Municipal Code Entitled
"Law Department"

WHEREAS, the present ordinance, 2.21.070(3), provides that the Legal Department shall determine whether probable cause exists to believe that discrimination has occurred;

WHEREAS, the determination of probable cause involves both legal and policy considerations;

WHEREAS, the present ordinance precludes the Bloomington Human Rights Commissioners from any involvement in the probable cause determination process; and,

WHEREAS, the Bloomington Human Rights Commission and the Legal Department desire to work more closely in formulating consistent probable cause standards and guidelines.


NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. Section 2.21.070(3) first sentence, shall be amended to delete the following: "by the legal department".


SECTION II. Section 2.21.070 shall be amended to add Subsection (2(A) which shall read as follows:

(2)(A) To determine jointly with the Legal Department whether probable cause exists to believe that discrimination in violation of Bloomington Municipal Code Section 2.21.010 et seq. occurred. A Probable Cause Commissioner shall be assigned to each complaint filed on the date it is filed and shall participate jointly with the Legal Department and assist in the investigation of the Complaint. The Legal Department shall make a written recommendation of cause or no cause setting forth relevant facts and applicable legal authority and submit it to the designated Probable Cause Commissioner. The Commissioner shall review the Legal Department's recommended finding, and shall make a written determination of cause or no cause setting forth the relevant facts and applicable law. The Probable Cause Commissioner shall follow applicable legal standards as set forth by the Legal Department in making the determination.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 20 day of July, 1988.


PAM SERVICE, President
Bloomington Common Council

ATTEST:


PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 20 day of July, 1988.


PATRICIA WILLIAMS, City Clerk

SIGNED AND APPROVED by me upon this *20* day of *July*, 1988.

Tomilea Allison

TOMILEA ALLISON, Mayor
City of Bloomington

SYNOPSIS

This amendment gives the Bloomington Human Rights Commission the joint responsibility with the Legal Department of making the probable cause determination in each discrimination complaint filed with the Commission. This amendment creates the position of Probable Cause Commissioner and requires that Commissioner to participate in the investigation and submit the final determination in writing. This amendment further requires the Probable Cause Commission to follow the applicable law in making the determination.

*Signed copies to: File
Legal*